

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

UNITED STATES OF AMERICA,

v.

TYRECE CUNNINGHAM,

Defendant.

CASE NO.: 2:21-cr-12

**ORDER**

On March 23, 2023, Defendant was Ordered by United States District Judge Lisa Godbey Wood to have a psychiatric or psychological examination pursuant to 18 U.S.C. §4241 and 4242. Doc. 95. On June 28, 2023, the Court received Defendant's psychological report from the Bureau of Prisons. Doc. 101. In the report, the evaluating doctor opined that until Mr. Cunningham's competency could be established, the mental state at the time of the alleged offense would be deferred. The undersigned issued an Order and Report and Recommendation, finding Mr. Cunningham incompetent to proceed with this case at that time and that Mr. Cunningham be ordered to a federal medical center for treatment for restoration to competency. The Order and Report and Recommendation was adopted by District Judge Lisa Godbey Wood on August 7, 2023. Doc. 105.

The Bureau of Prisons doctor assigned to treating Defendant contacted the Court on March 13, 2024, inquiring if the Bureau of Prisons should evaluate Defendant for the purposes of an insanity defense, assuming Defendant's competency can be restored. At this time, Defendant has not filed a notice of insanity defense under Federal Rule of Criminal Procedure 12.2. The

Court cannot order an evaluation of Defendant for an insanity defense unless a Rule 12.2 notice has been filed. In light of these circumstances, Defendant's counsel is ordered to either file a Rule 12.2 notice or a notice stating Defendant does not intend to pursue an insanity defense at this time. Defendant's counsel shall file the required notice **on or before March 20, 2024**.

**SO ORDERED**, this 13<sup>th</sup> day of March, 2024.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written above a horizontal line.

BENJAMIN W. CHEESBRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA